BEFORE THE APPEALS BOARD FOR THE KANSAS DIVISION OF WORKERS COMPENSATION

EDWARD ROBERSON)
Claimant)
VS.)
) Docket No. 220,107
N. R. HAMM QUARRY, INC.)
Respondent)
AND)
)
CNA INSURANCE COMPANY)
Insurance Carrier)

ORDER

George H. Pearson, attorney for the claimant, requested Appeals Board review of Administrative Law Judge Bryce D. Benedict's October 27, 2000, order denying Mr. Pearson's Motion to Withdraw. The Appeals Board heard oral argument on March 21, 2001.

APPEARANCES

The claimant Edward Roberson, claimant's attorney George H. Pearson, and respondent and its insurance carrier's attorney Wade A. Dorothy all appeared by telephone.

ISSUES

On October 2, 2000, the Administrative Law Judge entered an award denying claimant's request for workers compensation benefits. From that award, on October 4, 2000, claimant timely appealed to the Appeals Board. While the appeal was pending before the Appeals Board, claimant's attorney, George H. Pearson, on October 26, 2000, filed a Motion to Withdraw from further representing the claimant before the Administrative Law Judge.

In an order contained in a letter to Mr. Pearson dated October 27, 2000, the Administrative Law Judge, without a hearing, denied Mr. Pearson's Motion to Withdraw. Thereafter, Mr. Pearson timely appealed the Administrative Law Judge's order to the Appeals Board.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Appeals Board finds that Mr. Pearson's Motion to Withdraw from further representing the claimant in this matter should be remanded to the Administrative Law Judge with instructions to hold a hearing on the motion.

The Appeals Board only has jurisdiction to review decisions, findings, orders and awards of administrative law judges as shown by a transcript of evidence and the proceedings as presented before the administrative law judge. The Appeals Board does not have original jurisdiction to consider for the first time any matters without the stipulations of the parties. Thus, since the Administrative Law Judge did not hold a hearing on the motion, there is no transcript of proceedings for the Appeals Board to review.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that Administrative Law Judge Bryce D. Benedict's October 27, 2000, order that denied claimant's attorney's Motion to Withdraw is remanded for the Administrative Law Judge to conduct a hearing on the motion.

Dated this day of N	larch, 2001.	
	BOARD MEMBER	
	BOARD MEMBER	
	BOARD MEMBER	

c: Edward Roberson, 2099 Osage Rd., Perry, KS 66073 George H. Pearson, Topeka, KS Wade A. Dorothy, Lenexa, KS Bryce D. Benedict, Administrative Law Judge Philip S. Harness, Director

IT IS SO ORDERED.

¹ See K.S.A. 44-555c(a).